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1 - Gasbuggy was try at nuclear fracking, ABQ Journal, 12/30/13

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Opponents of hydraulic fracturing – fracking – for natural gas might have one thing to be grateful for: Development of that technology may have helped save them from nuclear fracking. It's not a joke, even though it sounds like something you might hear on "Saturday Night Live."

2 - Contaminants detected in El Paso neighborhood soil, San Antonio Express News, 12/29/13

<http://www.mysanantonio.com/news/texas/article/Contaminants-detected-in-El-Paso-neighborhood-soil-5099942.php>

A report prepared for the trustee in charge of cleaning a former lead and copper smelter property in El Paso shows for the first time unhealthy levels of lead, arsenic and mercury in several soil samples in a canyon-like neighborhood bordering the property. The findings from an environmental engineering consultant remain under review.

3 - In wake of West Fertilizer blast, investigation finds protection systems are broken, Dallas Morning News, 12/28/13

<http://www.dallasnews.com/news/west-explosion/investigation/20131228-in-wake-of-west-fertilizer-blast-investigation-finds-protection-systems-are-broken.ece>

The explosion that killed 15 people in West on April 17 has often been described as unforeseeable and unpreventable — virtually an act of God. That view is incorrect, an eight-month investigation by The Dallas Morning News found. The blast and the deaths it caused resulted from a cascade of predicted and preventable failures. The News also found that preventing the next mass industrial death in an American community would be possible. It would require just one fundamental reform: keeping promises made long ago in response to other catastrophes.

4 - Soil in West El Paso neighborhood near former Asarco site contaminate, EL Paso Times, 12/29/13

http://www.elpasotimes.com/news/ci_24810214/contamination-detected-soil-el-pasos-calavera-neighborhood

Unhealthful levels of lead, arsenic and mercury were detected for the first time in several soil samples of the Calavera neighborhood in West El Paso, according to a recent remedial investigation report prepared for the Asarco Custodial Trust.

5 - Power plants, refineries top carbon pollution, San Antonio Express, 12/28/13

<http://www.mysanantonio.com/business/energy/article/Power-plants-refineries-top-carbon-pollution-5098209.php>

Power plants and refineries continue to rank among the biggest emitters of greenhouse gas emissions in Washington in 2012, according to the latest data reported to the U.S. Environmental Protection Agency.

6 - Editorial: PRC should power up San Juan conversion, ABQ Journal, 12/30/13

<http://www.abqjournal.com/328237/opinion/prc-should-power-up-san-juan-conversion.html>

The Environmental It's a win-win-win situation for environmentalists, Four Corners residents and New Mexico's electricity ratepayers: a conversion plan that cuts coal-fired electricity in half, upgrades pollution controls to not only make the air nicer to look at but safer to breathe, and all at a fraction of the original bureaucratically mandated cost.

7 - [AP] Recycled Christmas trees: mulch, dunes, habitats, Odessa Adversity, 12/29/13

http://www.oaoa.com/people/lifestyle/article_f8e9aeac-6f7c-11e3-b3a1-001a4bcf6878.html

It's one of America's great recycling success stories: Every year, hundreds of thousands of discarded Christmas trees are collected and reused. Many are picked up curbside by local garbage collection services and turned into mulch. But there are other second acts for Christmas trees, too.

8 - 'Superbugs' found breeding in sewage plants, Fort Bend News, 12/30/13

http://www.yourhoustonnews.com/fort_bend/news/superbugs-found-breeding-in-sewage-plants/article_35f4ad30-9a2c-51fb-bebb-63c74818240d.html

Tests at two wastewater treatment plants in northern China revealed antibiotic-resistant bacteria were not only escaping purification but also breeding and spreading their dangerous cargo.

9 - Hogs vs. scenery and clean water on the Buffalo National River, Arkansas Times, 12/28/13

<http://www.arktimes.com/ArkansasBlog/archives/2013/12/28/hogs-vs-scenery-and-clean-water-on-the-buffalo-national-river>

Several readers last night sent along links to a report in the New York Times today on the hog feeding operation in Newton County close by a major tributary of the Buffalo River. For environmentalists, the development of the Mount Judea (pronounced Judy) hog farm provides a stark example of what they see as lax oversight of such farms by state and federal regulators.

10 - ADEQ issues final Whirlpool pollution mitigation plan, City Wire, 12/27/13

<http://www.thecitywire.com/node/31053#.UsGBtvRDuq0>

the Arkansas Department of Environmental Quality released its final Remedial Action Decision Document (RADD) for Corrective Action on Friday (Dec. 27) that requires Whirlpool to spend at least \$6 million to clean up pollution at its shuttered Fort Smith plant. ADEQ's plan also informs Whirlpool and residents affected by the company's spill of potentially cancer-causing trichloroethylene (TCE) of the final cleanup plan that has been the subject of public discussion for much of 2013.

11 - Ethanol loses friends and influence as reform movement grows, CNBC, 12/29/13

<http://www.cnbc.com/id/101297359>

Ethanol requirements for U.S. gasoline appear to be losing friends and influencing the wrong people, with calls growing to reform or scrap the government mandates altogether. The Environmental Protection Agency in November proposed reducing the amount of renewable fuels, including corn-based ethanol, that oil refiners must blend with gasoline.

12 - Advocates Urge Court To Reverse EPA Approval Of Haze Trading Program, Inside EPA, 12/27/13

<http://cleanenergyreport.com/201312272456784/Clean-Energy-Report-Daily-News/News/advocates-urge-court-to-reverse-epa-approval-of-haze-trading-program/menu-id-202.html>

Environmentalists are urging a federal appeals court to reject EPA's approval of three states' plans to meet their regional haze reduction mandates with an emissions trading program, saying the cap-and-trade effort violates Clean Air Act requirements because it would be weaker than traditional source-specific controls to cut air pollution.

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Gasbuggy was try at nuclear fracking

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By [Jackie Jadrnak / Journal North Reporter](#) | 1 day ago

Posted: 12:05 am

Opponents of hydraulic fracturing – fracking – for natural gas might have one thing to be grateful for: Development of that technology may have helped save them from nuclear fracking.

It's not a joke, even though it sounds like something you might hear on "Saturday Night Live."

Back in the '50s and '60s, after the atomic bomb had shown its grim effectiveness in a war setting, scientists and others in the federal government were eager to find peaceful uses of the powerful technology – if you can call anything "peaceful" that involves an explosion of that magnitude.

And right here in New Mexico, a couple of nukes were exploded underground to rattle the earth and see if they could shake some natural gas loose from tight formations.

The first, Project Gnome, took place Dec. 10, 1961, in an underground salt bed near Carlsbad. The other, Gasbuggy, occurred on Dec. 10, 1967, in the Carson National Forest about 55 miles east of Farmington. A plaque marks the site, one of the more obscure northern New Mexico offshoots of the Manhattan Project.

You can even find videos on Youtube showing the insertion of the nuclear device and the subsequent camera shake during the explosion.

According to a Time magazine story at the time of the Gasbuggy detonation: "Someone shouted, 'We did it! We did it!' Hand shakes were exchanged all around. The nuclear explosion sponsored jointly by the Government and the El Paso Natural Gas Co., incidentally, was the industry involved."

In a fact sheet on the project, the Department of Energy later stated that the Gasbuggy project "stimulated gas production in greater quantities than in nearby areas, and that the gas was also radioactive."

An inconvenience, that. Probably not something you wanted to pipe into people's homes or businesses.

The Gasbuggy device, at 29 kilotons, was almost twice as powerful as the 15-kiloton bomb dropped on Hiroshima, notes an article on the website of the American Oil and Gas Historical Society.

Reading some of the background of this and other projects that were part of Project Plowshare – named after the biblical injunction to beat swords into plowshares – takes you back to the optimistic, can-do attitude of a nation that had fought back fascism and Nazism. Technology and science would create great wonders and progress, under this apparent mindset, while environmental questions appeared to be minor concerns that easily could be handled.

According to a paper on the program put together by DOE's Office of Scientific and Technical Information, Edward Teller, then director of the Livermore Laboratory, proposed a number of Plowshare studies in 1958. They included blasting a channel through a reef at the Marshall Islands; building a couple of harbors in Alaska, as well as a canal across that state's peninsula; using nukes in mining and creating artificial aquifers, and in extracting oil from tar sands and oil shale.

Both Albuquerque's Sandia and the Los Alamos national laboratories were incorporated into Plowshare.

From that first blast near Carlsbad to the final test in May 1973, 27 separate projects involved 35 individual detonations, according to the DOE paper. The last test was Project Rio Blanco, northwest of Rifle, Colo., that involved "nearly simultaneous detonation of three 33-kiloton devices in a single well," according to the AOGHS website. "The explosions occurred at 5,838, 6,230 and 6,689 feet below ground level."

Yep, that was three nukes, all twice as big as the Hiroshima bomb Little Boy, exploded all at once underneath our northern neighbor. According to the DOE summary, the Plowshare program aimed

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toward stimulating natural gas production through nukes cost \$82 million. "It was estimated that even after 25 years of gas production of all the natural gas deemed recoverable, that only 15 to 40 percent of the investment could be recovered," it added.

With new technologies being developed, such as hydrofracturing, and the pressures of economic and environmental concerns, the project was dropped in 1975.

There were a couple of other pesky details, such as how to keep the nuclear technology secret while making it available to private industry, and how to get the public to rally behind such uses. Public support, summaries of Plowshare noted, was lacking.

Perhaps that could be attributed to the fact that a nuclear explosion will forever be tied in the public mind to vaporization of cities and their residents. Actual casualties are disputed and may never be known for certain, but estimates (called conservative by some) have hovered around 150,000 people killed or wounded in Hiroshima and 75,000 in Nagasaki.

In each of those cities, that was the effect of a single bomb being dropped.

The scale of the destruction might not have been fully known in the immediate post-war years, but as photos and details became increasingly available over the years, it may be no surprise that talk about peaceful uses of nuclear explosions has disappeared from the conversation.

Then again, there have been those discussions about how to reroute asteroids headed toward Earth....

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Contaminants detected in El Paso neighborhood soil

: DECEMBER 29, 2013 : Updated: December 29, 2013 1:00pm

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EL PASO, Texas (AP) — A report prepared for the trustee in charge of cleaning a former lead and copper smelter property in El Paso shows for the first time unhealthy levels of lead, arsenic and mercury in several soil samples in a canyon-like neighborhood bordering the property.

The findings from an environmental engineering consultant remain under review, The El Paso Times (<http://bit.ly/1h6zKOM>) reported Sunday, although the custodial trustee supervising the former Asarco property cleanup said a remedial plan should be in place by around March.

Trustee **Roberto Puga** also told the newspaper the approximately 15 families who live in what's known as the Calavera neighborhood likely will be invited to a public meeting to discuss the report and to "address the specific remediation steps for the areas of concern identified in the report."

The Asarco site produced and refined heavy metals such as lead, copper, cadmium, and zinc for more than 100 years before it went dormant in 1999. Then under the burden of millions of dollars in cleanup costs, it sought protection under federal bankruptcy laws. As part of the court-approved bankruptcy reorganization, the Asarco El Paso smelter was permanently closed.

Puga said the trust has completed about 60 percent of the remediation at the site. "It is more than halfway over. We're \$46 million into a \$78 million remedial project," he said.

The Calavera neighborhood report showed arsenic concentrations exceeding residential screening standards in more than half the 33 soil samples taken. Lead concentrations topped residential standards in three samples, and one sample exceeded the standard for mercury.

Extended exposure to unhealthy levels of the toxins has been attributed to causing serious illnesses. And lead poisoning is shown to cause developmental problems in children.

"We've always suspected that there were hazardous substances in this area," **Gabriel Ruiz**, 59, whose 84-year-old father has lived in the neighborhood for more than 40 years, told the newspaper.

Ana Lilia Alvarez, 48, said she was 4 when her family moved to the neighborhood.

"We all grew up together here. Some people here have died of cancer, including my mother who was 50 and led a healthy lifestyle. It might be because we lived so close to the smelter."

She said the **U.S. Environmental Protection Agency** several years ago replaced soil in some of

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the house yards.

"But we can't seem to grow any plants in the new soil," she said.

The last improvements to the neighborhood were about 20 years ago when a sewer line replaced septic tanks.

But another resident, **James Johnson**, said he knew of a couple of people who have lived well into their late 90s without experiencing any serious health problems.

Earlier this year, two huge smokestacks at the old smelter site that had become El Paso landmarks were demolished.

Information from: El Paso Times, <http://www.elpasotimes.com>

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In wake of West Fertilizer blast, investigation finds protection systems are broken



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By [RANDY LEE LOFTIS](#) and [DANIEL LATHROP](#)

Staff Writers

Published: 28 December 2013 10:51 PM

Updated: 28 December 2013 10:58 PM

The explosion that killed 15 people in West on April 17 has often been described as unforeseeable and unpreventable — virtually an act of God.

That view is incorrect, an eight-month investigation by *The Dallas Morning News* found. The blast and the deaths it caused resulted from a cascade of predicted and preventable failures.

The News also found that preventing the next mass industrial death in an American community would be possible. It would require just one fundamental reform: keeping promises made long ago in response to other catastrophes.

Since the creation of a town square-to-Capitol Hill safety system in the late 1980s, after the deadly 1984 chemical leak that killed thousands in Bhopal, India, the system meant to protect Americans has suffered from neglect, budgetary erosion and complacency.

Disasters such as the West Fertilizer blast also have revealed holes in the safety net.

Based on results of hundreds of interviews and tens of thousands of records since the West explosion, *The News* examined what a renewed commitment to safety from chemical accidents might look like.

The conclusions that emerged were based on two lessons of West:

No solution will work without concrete changes in current practices by businesses and federal, state and local governments. And continuing the pattern of inattention that led to West virtually guarantees that it will happen again — in another small town or an urban industrial neighborhood.

The News found that:

An effective system would see currently weak efforts at prevention, cooperation, data-gathering and enforcement strengthened in specific ways. They have all been chronically malnourished and in some cases intentionally starved.

Much of the legal authority for meaningful reform is already on the books, but for policy or budgetary reasons, governments have chronically failed to use it. Some new rules and laws and changes to existing ones would be needed to fill regulatory gaps that West revealed.

Change would require strategic investment by business and taxpayers, especially for perpetually underfunded emergency planning and prevention. Any new spending would have to be compared to the costs of future disasters.

Safety saves money, lives

For just one preventable accident, West Fertilizer, the cost was \$100 million in property damage and millions more for response and investigation. That is on top of the human toll: 15 dead, an estimated 300 injured, jobs lost and families uprooted.

A better system starts with prevention, which in turn starts with business. But from the small, homegrown company on up, prevention seemed to be no one's concern.

West Fertilizer had not followed widely available guidelines for safely storing ammonium nitrate fertilizer, including sprinklers. A fire code inspection might have caught the problems, but neither West nor McLennan County had adopted a code. In most Texas counties, the Legislature forbids county fire codes.

The News found many potentially explosive or toxic risks in many of the codeless counties. The Legislature will have a chance to address those dangers in its 2015 session.

In Washington, President Barack Obama has ordered federal agencies to improve cooperation and information-sharing, key concerns after West. But his executive order does not address the dramatic decay of local emergency planning, the backbone of the post-Bhopal reforms.

Unfunded by Congress or the state, and with no penalties for failing to act, practicing for chemical disasters or even studying companies' risk disclosures came to seem irrelevant in rural Texas.

Chemical accident planning by West and McLennan County was nearly nonexistent, but the state did nothing in response.

When concerns did arise, regulators practiced tunnel vision. Texas environmental officials rejected responsibility for calling attention to explosive risks because statutes did not mandate it. Texas agricultural inspectors said they checked theft risks, not explosions.

Texas health officials received and stored companies' chemical disclosures but never followed up on what they disclosed.

Those and other failures could be before the Legislature in 2015.

Powers go unused

Federal agencies were no more eager to act for prevention. The Environmental Protection Agency had accepted without an audit West Fertilizer's anhydrous ammonia risk plan, which claimed the company posed no fire danger. Earlier, the EPA had ignored a recommendation to require risk plans for ammonium nitrate.

The Occupational Safety and Health Administration had not inspected West Fertilizer since 1985, considering it low-risk. The Department of Homeland Security said its interest was in theft of explosive fertilizer, not accidental explosions.

The News found that no federal agency collects comprehensive data about serious chemical accidents. The data that does exist is wrong 9 out of 10 times.

The problem goes back to at least the mid-1980s and was identified after the Bhopal disaster.

The U.S. Chemical Safety Board has the legal power to collect that data but hasn't done so. It also doesn't have funding to do so.

Since 9/11, the EPA has dramatically restricted public access to data that companies report on "worst-case scenarios" involving extremely hazardous substances. Watchdog groups say lack of access prevents the public from assessing and preparing for chemical risks.

Enforcement has lagged as well. A Texas state law bans penalties for failing to file required chemical reports.

OSHA has the authority to enforce ammonium nitrate fertilizer safety but has never used it. DHS never asked why West Fertilizer neglected to file a screening report with the agency.

Fixing those shortcomings would require legislative and administration action.

Putting money into reforms

Reforms would cost money. But West Fertilizer shows not only the problems, but also the potential for innovative approaches.

The company had just \$1 million in liability insurance, grossly disproportionate to the risk it posed. Higher amounts might have been beyond its reach.

That's also the case with some Texas drivers: They're too high-risk, so private insurers won't touch them.

To plug that public safety gap, the state has a last-resort insurance pool. The same idea might be used for dangerous companies; and as with auto insurance, extra safety steps might merit a rate discount.

Public money for safety upgrades, too, could be open for discussion. Since 2004, Texas has spent \$500 million luring new businesses to Texas through the governor's Enterprise Fund.

A reasonable estimate for installing sprinklers in an existing Texas business, West Fertilizer, was \$40,000.

Texas taxpayers already subsidize private companies by granting them property tax exemptions for pollution-control equipment. The same idea might work for fire and explosion safety.

Finally, there's more than \$4 million tucked away, unspent, in an obscure Texas state account. The money came from fees the state collected from companies that file chemical disclosures.

With an income of about \$1 million a year from the fees, the state spends only \$600,000 running the disclosure program — and even then doesn't make the disclosure reports available online to first responders in emergencies.

What reforms that unspent money might provide, if any, remains to be seen.

Staff writers Sue Goetinck Ambrose, James Drew, Reese Dunklin, Brandon Formby, Matt Jacob, Jon McClure, Sarah Mervosh, Doug J. Swanson, David Tarrant and Steve Thompson contributed to this report.


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Michael Wallace


20 hours ago

Extending the sadness and sorrow of West, is the fact there are many people who think it was a conspiracy and arson. They cannot accept the fact that some rules and regulations might have saved lives.

Perhaps they cannot 'handle the truth': Industry regulations that are enforced can save lives and prevent disasters.

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Connor Larkin

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By Diana Washington Valdez / El Paso Times (<mailto:dvaldez@elpasotimes.com>?)

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The Calavera neighborhood is nestled in a small canyon adjacent to the former ASARCO smelter. (Rudy Gutierrez/El Paso Times)

>> [Photos: Calavera neighborhood near former Asarco site](http://photos.elpasotimes.com/2013/12/28/photos-calavera-neighborhood-near-former-asarco-site/)
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Unhealthful levels of lead, arsenic and mercury were detected for the first time in several soil samples of the Calavera neighborhood in West El Paso, according to a recent remedial investigation report prepared for the Asarco Custodial Trust.

Roberto Puga, the Asarco custodial trustee in charge of cleaning up the former lead and copper smelter property, said Calavera neighbors have not been notified of the findings, and that there probably will be a public meeting at that neighborhood to discuss the findings and future remediation efforts.

Puga said "The Final Supplemental Remedial Investigation Report" prepared by Malcolm Pirnie Inc., an environmental engineering consultant, is still under review.

"We will have a remedial action plan out by around March to address the specific remediation

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James Johnson has lived most of his life in the Calavera... (Rudy Gutierrez/El Paso Times)

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steps for the areas of concern identified in the report," Puga said.

Between 12 and 15 families live in Calavera, an irregular development nestled in a canyon-like area bordered by Executive Boulevard, West Paisano and the Asarco property. San Marcos, a single street, runs through Calavera for about a quarter of a mile.

Several Calavera residents who were interviewed this week said they were not surprised by the findings.

"We've always suspected that there were hazardous substances in this area," said Gabriel Ruiz, 59, whose 84-year-old father has lived in the neighborhood for more than 40 years.

"They took blood samples from me some 25 to 30 years ago, and I was told I had lead in my blood but they did not give me a percentage," Ruiz said. "There was no follow-up. My father would be willing to leave, under the right conditions."



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os made with adobe, others with brick and a few are mostly wood frame houses. A couple of trailers are parked next to houses within the larger lots.

Dogs who bark at any newcomers send alert residents on the otherwise quiet street.

Ana Lilia Alvarez, 48, said she was four years old when her family moved to Calavera. "We all grew up together here. Some people here have died of cancer, including my mother who was 50 and led a healthy lifestyle. It might be because we lived so close to the smelter."

Alvarez said the Environmental Protection Agency went to Calavera several years ago and replaced contaminated soil in some of the house yards.

"But we can't seem to grow any plants in the new soil. It's not like Kern Place, where the yards looked pretty after their soil was replaced."

Alvarez said the Calavera families got riled up about 20 years ago when there was talk of compensating them to relocate.

"Their enthusiasm ended once they heard that they would only get \$10,000 each, which isn't enough to buy another home in El Paso," Alvarez said. "We don't want to leave unless we're not given a choice, and we don't want to be exposed to hazardous chemicals."

Calavera residents said they haven't seen any new improvements to their neighborhood since their street was paved about 20 years ago, and had a sewer line installed that replaced their septic tanks.

"We were promised a park near the entrance of San Marcos Street, which we never got, and the city took away the only bus stop we had nearby that our families depended on," Alvarez said. "We have people who are disabled who needed that bus stop."

James Johnson, another Calavera neighbor, said he knows that a couple of residents have lived well into their late 90s without experiencing any serious health problems.

He also pointed to gray coatings on high ground and on the walls of his home that he said date back to the old Portland Cement Plant days. The plant operated on the west side of Executive Boulevard.

He said several black soil deposits in the neighborhood "came from the smelter's rock-crushing days, which got stopped."

Alvarez and Johnson said they look forward to meeting with the Asarco trustee's staff in the coming year so they can find out how concerned they should be about the contaminated sites found in their area.

The findings

The recent report by Malcolm Pirnie Inc. included details about the contamination found in the Calavera neighborhood as follows:

- Concentrations of arsenic exceeding the residential screening standard of 200 parts per million (ppm) were observed in 18 of 33 samples. The highest concentration sample contained 655 ppm of arsenic.

Arsenic concentrations exceeding the residential standard are present in surface soils, and are associated with airborne dust emissions.

- Concentrations of lead exceeding the residential screening standard of 1,000 ppm were observed in three samples taken from the southwestern portion of La Calavera.

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The highest concentration sample contained 1,820 ppm. Concentrations of lead exceeding the residential standard are present at depths in surface soils, and are associated with airborne dust emissions.

- One sample in the eastern part of Calavera was analyzed for mercury, and it exceeded the residential screening standard of 0.11 ppm; the sample contained 3.79 ppm, which the trustee's consultant said is associated with a waste pile from where the sample was taken. The report does not describe the specific waste.

Experts said that long exposure to unhealthful levels of toxic substances like arsenic, lead and mercury can lead to serious illnesses, and in the case of lead poisoning to developmental problems in children.

Smeltertown

The old Smeltertown site, south of West Paisano and adjacent to the International Boundary and Water Commission (IBWC), is also part of the Asarco trustee's cleanup program

The recent Malcolm Pirnie Inc. report calls that area the "flood plain," one of 10 assessment areas projected for remediation that lie within the Asarco boundaries.

Puga confirmed that the "flood plain" in the consultant's map is the former Smeltertown, which is scheduled for remediation and sale.

"As trustee, I am responsible for remediating the old Smeltertown site," Puga said. "It could be sold later to the International Boundary and Water Commission, to expand its facilities, or to someone else."

In 1972, numerous families were removed from the former Smeltertown, where many Asarco workers lived, after high levels of lead were found in the blood of children living there. The families were relocated and the community was demolished. During its heyday in the 1930s, about 5,000 people lived in Smeltertown.

Plans calls for remediating part of the old Asarco smelter land to residential environmental standards and other parts to commercial and light industrial environmental standards.

Puga said the remediation efforts will follow as closely as possible the City of El Paso's 2010 master plan (by Dover Kohl consultant), for the land uses which were envisioned for that part of the city.

Puga said the trust has completed about 60 percent of the remediation at the site. "It is more than halfway over. We're \$46 million into a \$78 million remedial project," Puga said.

Earlier this year, the trustee pulled off a huge engineering feat with the demolition of the smelter's two big smokestacks, a spectacle that thousands of El Pasoans turned out to view.

Puga said that while that is done and out of the way, the property's terrain is nonetheless challenging. The land contains at least six arroyos, "and one of the biggest issues we have is the lack of easy access to the property," Puga said.

Other highlights

Here are other highlights revealed by the trustee's reports and documents:

- The Smeltertown Cemetery site, which is adjacent to Calavera, used to belong to Asarco until the smelter deeded it to the Catholic Diocese in 1969. The trustee plans to carry out a fence realignment project to match the fence line with the correct boundaries.
- A large parcel known as Asarco East will be remediated to commercial and residential standards for purposes of development.
- Asarco West will be remediated to light industrial standards.
- The large Parker Brothers Arroyo will be set aside as a potential "green space" and park area.
- The black soil areas on the sides of Asarco land that are visible from Paisano will be removed for aesthetic reasons. The trustee said they pose no health risks.

URL: www.recastingthesmelter.com

Diana Washington Valdez may be reached 546-6140.



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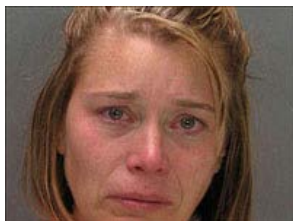


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Power plants, refineries top carbon pollution

BY PHUONG LE, ASSOCIATED PRESS : DECEMBER 28, 2013 : Updated: December 28, 2013 10:13am

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SEATTLE (AP) — Power plants and refineries continue to rank among the biggest emitters of greenhouse gas emissions in Washington in 2012, according to the latest data reported to the **U.S. Environmental Protection Agency**.

In 2012, 90 large sources in the state reported releasing a total of 19.2 million metric tons of carbon dioxide, methane and other greenhouse gases, about an 8 percent drop from the year before, the data shows.

The TransAlta coal-fired power plant in Centralia continued to be the single largest source of greenhouse gas emissions, releasing nearly 4.2 million metric tons of greenhouse gases, or about one-fifth of total emissions reported to the **EPA**. The facility, however, saw a 26 percent drop in emissions between 2011 and 2012.

BP's Cherry Point Refinery was the second-highest single source of emissions, followed by Shell Puget Sound Refinery in Anacortes, Tesoro Refinery in Anacortes, **Alcoa Intalco Works** in Ferndale, **Phillips 66** refinery in Ferndale and Puget Sound Energy's Mint Farm natural-gas fired power plant in Longview, Wash.

Greenhouse gas emission released through power generation and other human activities contribute to climate change, and state officials say mandatory reporting of those emissions is a crucial first step in reducing pollution.

It helps the state "figure out what we need to go going forward," said **Neil Caudill** with the **Department of Ecology**.

The data may play an important role as state officials and other debate whether to put a price on carbon emissions through a carbon tax or cap and trade system. Gov. **Jay Inslee** has proposed capping carbon pollution as one way to meet the state's carbon-reducing goals.

A 2008 state law called for Washington to return to 1990 greenhouse gas emissions levels by 2020, and for greater reductions beyond that. In 2010, Washington state emitted 96 million metric tons of carbon dioxide, up from about 88.4 million a decade earlier.

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Facilities that emit 25,000 metric tons or more per year of GHGs are required to submit annual reports to the EPA.

A Washington state law requires facilities that emit more than 10,000 metric tons of greenhouse gases per year to report their pollution. For the first time, those sources are reporting their 2012 emissions to the Department of Ecology.

Caudill said he estimates about 200 sources will be required to report under the state law. Ecology is currently processing and verifying those reports, which were due in November. The department plans to publish the data in coming months.

In 2012, the state's five refineries accounted for the largest amount of carbon pollution reported to the EPA by industrial sector, just slightly more than power plants.

TransAlta, a Canada-based company, has agreed to shut down one of its coal-burning units in Centralia by the end of 2020, and the final one by 2025.

The largest emitting industries include power plants, refineries, landfills and pulp and paper mills.

The Death of the PC

The days of paying for costly software upgrades are numbered. The PC will soon be obsolete. And BusinessWeek reports 70% of Americans are already using the technology that will replace it. Merrill Lynch calls it "a \$160 billion tsunami." Computing giants including IBM, Yahoo!, and Amazon are racing to be the first to cash in on this PC-killing revolution. Yet, a small group of little-known companies have a huge head start. Get the full details on these companies, and the technology that is destroying the PC, in a free video from The Motley Fool. Enter your email address below to view this stunning video.

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By [Albuquerque Journal Editorial Board](#) | 7 hours ago

It's a win-win-win situation for environmentalists, Four Corners residents and New Mexico's electricity ratepayers: a conversion plan that cuts coal-fired electricity in half, upgrades pollution controls to not only make the air nicer to look at but safer to breathe, and all at a fraction of the original bureaucratically mandated cost.

The Public Regulation Commission should sign on.

The proposal put forth by Public Service Company of New Mexico is the result of threatened litigation and arduous compromise. It has been vetted by the U.S. Environmental Protection Agency, New Mexico's Environment Department and PNM. It takes short- and long-term views of the environment and the market, retiring two coal-fired plants and converting to natural gas while adding nuclear to the mix and retrofitting two remaining coal-fired units with more affordable and effective pollution-control systems.

And all for an estimated \$400 million to \$430 million, around half of the EPA's original \$824 million to \$910 million plan that would have wed New Mexico to older, dirtier energy for decades.

Under this compromise, the San Juan Generating Station will cut its coal-fired units in half (win for the enviros); reduce nitrogen oxide as the EPA wanted but also sulfur dioxide, mercury and volatile organic compounds (win for ratepayers). And all while continuing to serve customers.

No-compromise extremists aside, there's nothing to not like in this plan, which is expected to wrap up with its public-approval process, which is expected to wrap up with state regulators into a smart deal that benefits all involved.

This editorial first appeared in the Albuquerque Journal. It was signed by the editorial board and is unsigned as it represents the opinion of the new editorial board.

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Capital outlay reforms needed in upcoming Legislative session

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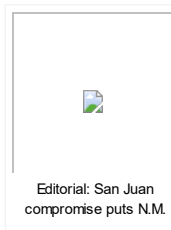
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[AP] Recycled Christmas trees: mulch, dunes, habitats

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Wayne Parry

File - In this Jan. 14, 2013 file photo, a public works employee dumps a truckload of discarded Christmas trees on the beach as part of a project to rebuild dunes damaged by Superstorm Sandy, in Bradley Beach, N.J. Bradley Beach came through Superstorm Sandy in better shape than some other coastal towns in part because of its dunes. The governor had harsh words for oceanfront property owners along the Jersey shore who are refusing to let governments carry out protective dune projects because the work will affect their oceanfront view, calling them "extremely selfish and shortsighted." (AP Photo/Wayne Parry)

Posted: Sunday, December 29, 2013 8:00 am

Associated Press |

BETH J. HARPAZ

Associated Press

NEW YORK (AP) — It's one of America's great recycling success stories: Every year, hundreds of thousands of discarded Christmas trees are collected and reused.

Many are picked up curbside by local garbage collection services and turned into mulch. But there are other second acts for Christmas trees, too. They're placed on beaches to shore up dunes and sunk in lakes as fish habitats. They've even been milled into lumber for use in building homes.

How many of the 25 million to 30 million fresh Christmas trees sold each year are recycled is difficult to measure because most recycling programs "are implemented on such a local level," said National Christmas Tree Association spokesman Rick Dungey. The good news, though, is that tree-recycling efforts are now "ubiquitous" and recycling your tree is "easier than ever."

This will be the 27th year for Christmas tree recycling in San Francisco, where nearly 600 tons of trees are fed into a giant wood-chipper outside City Hall each year and turned to mulch. New York City's Department of Sanitation collects about 150,000 trees each year and mulches them in a joint program with the Parks Department. The mulch is used in parks, playing fields and community gardens. Residents lucky enough to have their own urban backyards can take home a bag at "Mulchfest" events held around the city.

New York's Rockefeller Center is famous for its towering Christmas tree, and for the seventh year in a row, this season's tree will be donated to Habitat for Humanity. The tradition began when the 2007 Rockefeller Center tree went to build a home in Pascagoula, Miss., for a survivor of Hurricane Katrina.



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Tree recycling options in Odessa

- Officials with the City of Odessa are asking Odessans to dispose of their live Christmas trees at the Household Hazardous Waste Facility, 814 W. 42nd St. The trees will be mulched and provided free to citizens.
- Trees should not be placed in city dumpsters or placed in alleys or other public rights of way. Dis -posing of trees in public rights of way and dumpsters is considered illegal dumping and can result in a fine.
- For a donation, Odessa Girl Scout Troop 259 will pick up live Christmas Trees on Saturday

through Jan. 4. To schedule a pick up, call 550-2688 ext. 306 and leave a message.

Lumber from the milled Rock Center tree is marked so that the families know its origin. In some years, families that have benefited from the construction have attended the tree-lighting event in Manhattan.

In Jefferson Parish, a suburb of New Orleans, Christmas trees help prevent marshland erosion. The trees are placed in wooden cribs, in shallow water parallel to the shore, where they absorb the impact of waves.

"It protects the shoreline," explained Jason Smith, spokesman for the Jefferson Parish Department of Environmental Affairs. "The area behind it is calm, where vegetation can grow." The trees decompose and must be replaced yearly. The program uses between 10,000 and 30,000 trees a year, and has been in existence since the winter of 1990-91.

Shawnee Mission Park Lake in Shawnee, Kan., is also a final resting place for recycled Christmas trees. About 100 to 150 trees are sunk each year with concrete blocks to provide fish habitat.

Many beaches also use recycled Christmas trees to protect against erosion. Strategically placed, the trees catch sand and are eventually covered by it, becoming part of the dune system.

A number of beaches at the New Jersey shore were built up using Christmas trees after last year's Superstorm Sandy. Beaches at the Rockaways, in New York City, which were also devastated by Sandy, benefited from a Christmas tree project as well. The Rockaways effort was sponsored by a California wine company, Barefoot Wine & Bubbly, an E. & J. Gallo Winery brand. Barefoot Wine has been working with the Surfrider Foundation, which promotes ocean protection, on beach cleanups and restorations for seven years. But the Rockaways program was Barefoot's first using recycled trees.

Those who prefer artificial Christmas trees usually don't throw them out after one year. But when the time comes, there's even a program to recycle them. Polygroup, one of Walmart's largest suppliers of artificial Christmas trees, sends them — including lights and electric cords— to a recycling center in China where they are shredded and broken down for reuse in other products. The bad news: Consumers must pack and ship the trees back to Polygroup themselves. The good news: You can send in any brand of tree, and you need only ship to Polygroup's Indiana offices, not to China.

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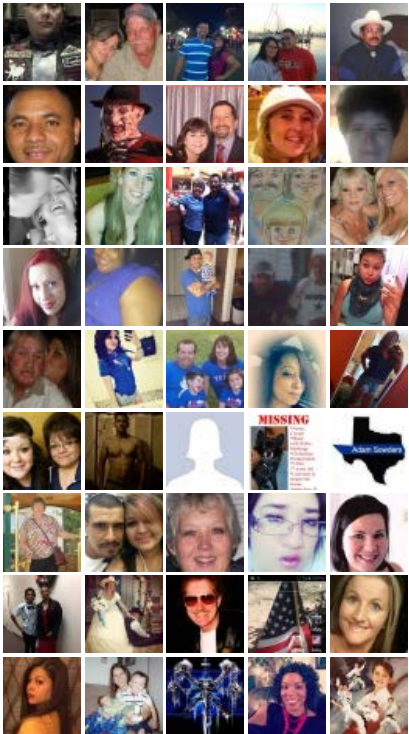
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Today's E-Edition



Odessa American

Online Poll

An estimated 1.3 million people will lose unemployment benefits when they expire Saturday, according to various news reports. What do you think about this matter?

- ☐ I don't like it. The government could extend these benefits a little while longer. People are still struggling in this economy, and this move will only harm the economy.
- ☐ So be it. The benefits for these people have to end sometime.
- ☐ While I agree that no one should stay on unemployment forever, there needs to be a middle ground. Perhaps those who were receiving benefits could get smaller payments while at the same time meeting their requirements to look for work every week.

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'Superbugs' found breeding in sewage plants

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Scientists from Rice, Nankai and Tianjin universities have found signs of drug-resistant bacteria in treated wastewater plants in northern China. Their study suggested the dangerous bacteria were not only escaping purification but also breeding in the treatment plants. (Credit: Yi Luo/Nankai University)

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"We often think about sewage treatment plants as a way to protect us, to get rid of all of these disease-causing constituents in wastewater. But it turns out these microbes are growing. They're eating sewage, so they proliferate. In one wastewater treatment plant, we had four to five of these superbugs coming out for every one that came in."

Antibiotic-resistant bacteria have been raising alarms for years, particularly in hospital environments where public health officials fear they can be transferred from patient to patient and are very difficult to treat. Bacteria harboring the encoding gene that makes them resistant have been found on every continent except for Antarctica, the researchers wrote.

NDM-1 is able to make such common bacteria as *E. coli*, salmonella and *K. pneumonias* resistant to even the strongest available antibiotics. The only way to know one is infected is when symptoms associated with these bacteria fail to respond to antibiotics.

In experiments described in the same paper, Alvarez and his team confirmed the microbes treated by wastewater plants that still carried the resistant gene could transfer it via plasmids to otherwise benign bacteria.

A subsequent study by Alvarez and his colleagues published this month in *Environmental Science and Technology* defined a method to extract and analyze antibiotic-resistant genes in extracellular and intracellular

Posted: Sunday, December 29, 2013 11:27 pm

By Submitted

Tests at two wastewater treatment plants in northern China revealed antibiotic-resistant bacteria were not only escaping purification but also breeding and spreading their dangerous cargo.

Joint research by scientists from Rice, Nankai and Tianjin universities found "superbugs" carrying New Delhi Metallo-beta-lactamase (NDM-1), a multidrug-resistant gene first identified in India in 2010, in wastewater disinfected by chlorination. They found significant levels of NDM-1 in the effluent released to the environment and even higher levels in dewatered sludge applied to soils.

The study, led by Rice University environmental engineer Pedro Alvarez, appeared this month in the *American Chemical Society Journal Environmental Science and Technology Letters*.

"It's scary," Alvarez said. "There's no antibiotic that can kill them. We only realized they exist just a little while ago when a Swedish man got infected in India, in New Delhi. Now, people are beginning to realize that more and more tourists trying to go to the upper waters of the Ganges River are getting these infections that cannot be treated."

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DNA from water and sediment and applied it to sites in the Haihe River basin in China, which drains an area of intensive antibiotic use. The study showed plasmids persist for weeks in river sediment, where they can invade indigenous bacteria.



"It turns out that they transfer these genetic determinants for antibiotic resistance to indigenous bacteria in the environment, so they are not only proliferating within the wastewater treatment plant, they're also propagating and dispersing antibiotic resistance," Alvarez said.

"This calls for us to take a look at these breeding grounds for antibiotic-resistant bacteria and how we might be able to create better barriers than chlorination," he said. "I think we need to take a serious look at photo-disinfection processes, like ultraviolet disinfection. It has been shown to be more effective on resistant organisms. We also need a better understanding of how these microbes flow through the environment."

Lead author Yi Luo is a professor of environmental sciences and engineering at Nankai University, Tianjin, China. Co-authors are Jacques Mathieu, a research scientist at Rice; graduate students Fengxia Yang and Qing Wang of Nankai University, and master's student Daqing Mao of Tianjin University.

The National Natural Science Foundation of China, the State Environmental Protection commonwealth project and the Ministry of Education Program for New Century Excellent Talents supported the research.

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ENVIRONMENT **Hogs vs. scenery and clean water on the Buffalo National River**
Posted by Max Brantley on Sat, Dec 28, 2013 at 7:42 AM

[click to enlarge](#)

IN THE SPOTLIGHT: Jason Henson's C and H Hog Farm in Mount Judea is the subject of New York Times article today.

Several readers last night sent along links to a report in the New York Times today on the hog feeding operation in Newton County close by a major tributary of the Buffalo River.

That's a familiar topic here. Here's the Times' setup graf:

For environmentalists, the development of the Mount Judea (pronounced Judy) hog farm provides a stark example of what they see as lax oversight of such farms by state and federal regulators. Many of them were dismayed last year, for instance, when the Environmental Protection Agency withdrew proposed regulations that would have required all concentrated animal feeding operations, or CAFOs, to submit "basic operational information" and would have increased the number of such farms that require permits.

But C&H Hog Farms has many supporters, who say that these farms have long dotted the watershed without causing major environmental damage. They argue that the owners of C&H followed all the required steps to obtain a permit and will do all they can to make sure that the farm does not hurt the ecosystem.

I can't help but note that agri behemoth Cargill does the talking for the hog farmers, otherwise generally depicted in Arkansas as fine local folks just working to make a living, rather than jcontracted enablers for a global corporate giant.

Old-timers familiar with raising livestock and coping with their waste are quoted as being unconcerned, even if they acknowledge a certain odor from the operation. But the article also notes:

This, however, is unlike any other hog operation in the area. With just over 2,500 sows — producing thousands of piglets — C&H has more of them than all of the other hog farms now operating in the Buffalo River watershed combined.

Cargill puts concerns down to "what-if" questions. True enough. But ifs have come true in other places. The state's chief environmental regulator closes the article on a sanguine note.

Teresa Marks, the director of the Arkansas Department of Environmental Quality, said that while the public should have been better notified about the operation before approval, she had enough confidence in the environmental integrity of the project that it would not have affected the ultimate outcome.

“Will there be some of this waste that could reach the Buffalo River? Sure,” she said. “Will it cause an environmental problem? No, we don’t think there’s going to be any environmental harm caused.”

Tags: Cand H Hog Farm, Buffalo River, Mount Judea, Cargill, hog feeding, water pollution, Environment, Image

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Speaking of...

Walmart, Exxon and other major oil companies planning for carbon tax

December 5, 2013

by Lindsey Millar

Nearly 30 of the nation's largest corporations, many of which have close ties to the Republican Party, have incorporated the expectation that they will be forced to pay a tax on the carbon pollution as a means of controlling climate change [/ more /](#)

State can't issue moratorium on hog farm permit

November 14, 2013

by Max Brantley

Attorney General Dustin McDaniel issued an opinion today, requested by Rep. David Branscum, that the director of Arkansas law, may the director of the Arkansas Department of Environmental Quality (ADEQ) impose a moratorium or suspension of the processing of a permit for a concentrated animal feeding operation (CAFO)? [/ more /](#)

About that Keystone pipeline: Who needs it?

November 10, 2013

by Max Brantley

Here's some more serious reading for Sunday, by Elizabeth Douglass of Inside Climate News, who's joined us in our special coverage of the Mayflower oil spill. [/ more /](#)

It's unanimous: Arkansas congressmen unhappy about new habitat protection for mussels

November 8, 2013

by Max Brantley

I mentioned recently a growing effort to build opposition to federal Fish and Wildlife proposal to designate about 40 percent of the state as critical habitat for two endangered species of mussels. [/ more /](#)

Environmental challenge to delay Big River Steel startup

November 4, 2013

by Max Brantley

Roby Brock at Talk Business reports that Nucor Steel, already operating in Mississippi County, has mounted a challenge to state approval of an air permit for startup competitor Big River Steel and the challenge could delay the opening of the \$1 billion state-subsidized mill. [/ more /](#)

The Neosho mucket open line

October 29, 2013

by Max Brantley

settlement biological diversity. spotted owl group. [/ more /](#)

Arkansas Department of Environmental Quality, Game and Fish request more testing of Lake Conway from Exxon

October 29, 2013

by Benjamin Hardy

Game and Fish letter says that Exxon's figure for a certain kind of contamination may misrepresent the amount of toxins still in the environment. [/ more /](#)

Co-sponsors of law altering water pollution standards now favor repeal at special session

October 16, 2013

by David Ramsey

A little follow-up on the item in tonight's Open Line on Act 954, which is likely to be repealed at tomorrow's special session. [/ more /](#)

Speaking tour set on hog feeder operation in Buffalo River watershed

October 9, 2013

by Max Brantley

The Buffalo River Watershed Alliance has scheduled a seven-city speaking tour Oct. 25-31 to inform the public about threats to the Buffalo River from a factory hog-feeding operation. The Buffalo River Watershed Alliance will host and fund a seven-city, educational Whistle-Stop Speaking Tour in Arkansas featuring experts from Waterkeeper® Alliance, beginning on October 25th in Fayetteville and ending on October 31st in Little Rock. [/ more /](#)

Now Republicans love the very national parks they've crippled

October 2, 2013

by Max Brantley

It's hard to decide which is more cynical of the terrorist Republicans — using the national parks or veterans as wedges to force Democrats to forsake the law of

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"I have learned a tremendous amount of environmental science..."---Teresa Marks on this ADEQ web page.

<http://www.adeq.state.ar.us/whoweare/messa...>

It seems to me that the job of Director of ADEQ is not a "learn as you go" position. Governor Beebe was derelict in his duty when he appointed her.

That is water under the bridge now. Have supporters considered where the profits go from this hog operation? Jason Henson will get chump change. A very few jobs will be created since much of the operation is automated. And the profits will leave Arkansas and pour into the coffers of Cargill in Minnesota and out to shareholders who don't know one end of a hog from the other. If some environmental disaster occurs, Henson will be left holding the bag.

Shareholders care only about profits. Cowboy capitalism runs amok.

[report](#)

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Posted by the outlier on 12/28/2013 at 8:57 AM



Teresa Marks is fast becoming a self-parody.

[report](#)

6 likes, 0 dislikes like dislike

Posted by eLwood on 12/28/2013 at 12:07 PM



Not only a self-parody, Teresa Marks is an idiot. Who is going to believe that stupid comment of hers? Speaking of hillbillies...

Newton County has its share, and it has a bad case of Ricketts:

"Reason why it don't bother us, we're just hillbillies," said Mr. Ricketts, 55, who is related by marriage to some of the farm's owners. "When you're raised up around a hog, it don't bother you.

Better nutrition -- including eliminating pork from the diet -- helps cure the scourge of Ricketts that is sweeping the Ozarks.

[report](#)

1 like, 0 dislikes like dislike

Posted by GrizLee Blackbear on 12/29/2013 at 5:50 PM



Teresa Marks, how do you sleep? "Like a pig in shit buried six feet deep"

[report](#)

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Posted by denise on 12/29/2013 at 6:01 PM

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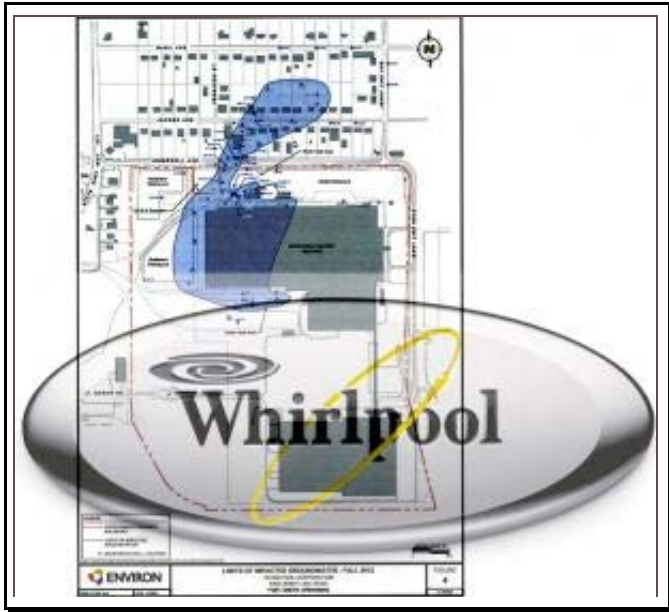
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ADEQ issues final Whirlpool pollution mitigation plan

Submitted by The City Wire Staff on Fri, 12/27/2013 - 9:26pm

story by Ryan Saylor
rsaylor@thecitywire.com



The Arkansas Department of Environmental Quality released its final Remedial Action Decision Document (RADD) for Corrective Action on Friday (Dec. 27) that requires Whirlpool to spend at least \$6 million to clean up pollution at its shuttered Fort Smith plant.

ADEQ's plan also informs Whirlpool and residents affected by the company's spill of potentially cancer-causing trichloroethylene (TCE) of the final cleanup plan that has been the subject of public discussion for much of 2013.

The final RADD document does not vary in remediation approach from the draft RADD document [first made](#)

[public in October](#), implementing a three-pronged approach to remediation — asphaltting the Whirlpool site, using chemical injection wells to dilute the TCE and implementing institutional controls. Several members of the Fort Smith Board of Directors opposed the remediation plan when it was proposed in October.

TCE EXPOSURE RISKS

ADEQ begins by outlining near the beginning of the document how TCE, a degreaser Whirlpool used until the 1980s at its now-shuttered plant on the south side of Fort Smith, could pose danger to individuals impacted by the plume, which extends from the former Whirlpool manufacturing facility to the north, across Ingersol Road.

The state agency tasked with environmental protection and cleanup said three types of individuals are at risk for TCE exposure on the Whirlpool site itself — routine workers, maintenance workers, and construction workers.

"Exposure routes for on-site routine workers from COCs in surface soil include ingestion, dermal contact, inhalation of soil-derived vapors and airborne particulates in outdoor air, and inhalation of soil-derived vapors that migrate through building foundations to indoor air," the document reads.

The ingestion route is very similar to what has already been discussed when Whirlpool lobbied the Fort Smith Board of Directors for a [ban on the drilling of new groundwater wells](#) both on the Whirlpool site and in the TCE-contaminated neighborhood directly north of the facility. The request for the ban was defeated.

ADEQ also addressed exposure routes for residents living over the TCE plume, stating that soil-derived and groundwater-derived vapors are exposure routes for anyone living in the affected area as well as "community

workers" in the area.

Even with the concern, ADEQ advises that "vapor intrusion pathway from chemicals in soil does not result in an unacceptable exposure in the workplace for on-site routine workers," adding that there are no cancer risks based on measurements taken and compared to EPA-recommended guidelines.

REQUIRED REMEDIATION STEPS

As previously outlined in a draft RADD document, ADEQ said in the final RADD that the entire impacted area "will be covered with asphalt and an impermeable coating. The cover is designed to prevent the water from migrating through the contaminated soils."

In addition to the asphalt cover, a deed will be placed on the property to "prevent unauthorized excavation of the on-site impacted soils." Whirlpool will also be required to implement a soil gas monitoring program at the site for five years. The cost of the asphalt and soil gas monitoring will total \$600,000.

In addition to the asphalt, ADEQ is requiring Whirlpool to invest \$5.4 million in chemical treatment of the TCE contamination at three different sites, both on the Whirlpool site and elsewhere within the plume.

"Injection points may be added or removed depending upon the hydraulic conductivity and lithology identified during the pre-design phase of work and resulting design. Based on subsequent monitoring results it may be necessary to expand the treatment areas and/or re-treat these areas until a satisfactory trend in TCE concentrations is achieved."

Some of the design work is already taking place at the site, according to Katherine Benenati, ADEQ's public outreach and assistance division chief.



"Whirlpool's consultants are in the field doing pre-design testing of the soils in preparation for implementing the RADD after the first of the year," [she said in a Dec. 18 e-mail](#).

The final action will be a deed notification on the Whirlpool site.

"The deed notification would identify the kinds of contaminants present, and describe activities that should not be conducted at the facility and grant site access to ADEQ," the RADD states, further adding that the deed restriction must be in place within 60 days of the RADD's effective date.

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The RADD states that Whirlpool must begin remediation within 60 days of the effective date (Dec. 27) of the RADD and file quarterly reports every February 15, May 15, August 15, and November 15 as well as annual progress reports on January 15.

City of Fort Smith Communications Manager Tracy Winchell said the final RADD document arrived late in the day and city staff did not have an opportunity to evaluate its contents and recommendations during regular office hours.

[Link here](#) for a PDF of the ADEQ final RADD.

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Ethanol loses friends and influence as reform movement grows

Text Size

Published: Sunday, 29 Dec 2013 | 9:00 AM ET

By: Javier E. David

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Gas pump with ethanol biofuel.

Ethanol requirements for U.S. gasoline appear to be losing friends and influencing the wrong people, with calls growing to reform or scrap the government mandates altogether.

The Environmental Protection Agency in November proposed reducing the amount of renewable fuels, including corn-based ethanol, that oil refiners must blend with gasoline. The rule is a centerpiece of government efforts to curb carbon emissions, while jump-starting alternative forms of energy.

The draft rule would impact the 2014 requirement for renewables to fall between 15 billion and 15.52 billion gallons from 18.15 billion gallons. But the proposal to reduce ethanol requirements for 2014 has done little to quell the groundswell of complaints about the practical effects of using corn-based fuel in America's gasoline supply.

Earlier this month, California Democrat Dianne Feinstein **joined forces** with Oklahoma Republican Tom Coburn to introduce a Senate bill to strip ethanol completely from the Renewable Fuel Standard, also known as RFS. Although

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Feinstein continues to champion renewable fuel, she has expressed concerns that excess corn-based fuel production—mainly due to the RFS requirements—is **"really not wise,"** and that the standards may hurt the Golden State's livestock producers.

The **bipartisan nature** of that bill, combined with the EPA's proposal, sent **corn futures** reeling on the Chicago Board of Trade in early December.

(Read more: **Proposed ethanol reduction could hurt farmers**)

Not surprisingly, biofuel advocates have had much to say about this potential shift—almost none of it positive..

"This bill from Senators Feinstein, Coburn, and their co-sponsors is short-sighted and demonstrates a failure to understand how the renewable fuel industry works," said Fuels America, an advocacy group that supports the Renewable Fuel Standard, in a statement.

"This measure would strand billions of dollars already invested in advanced fuels; undermine research and development; and threaten thousands of potential jobs," the group said. The Senate measure, if passed, would "kill the promise" of biofuels, Fuels America said in the statement.

Ethanol lies at the heart of a tangled nexus of special interests, pitting farmers against energy producers. Although biofuel mandates have enjoyed wide backing in Washington since they first were introduced in 2007, the complicated and expensive mechanics of enforcing the Renewable Fuel Standard have emboldened opponents, who want to kill the ethanol requirements.

In the absence of more advanced biofuels, which have failed to take off as promised, farmers have churned out corn-based fuel sources in anticipation federal mandates would create a captive market. In October, ethanol production surged to the highest level in more than 16 months, amid record corn crops and lower gasoline demand overall.

The biofuel industry is poised to churn out more than 13.4 billion gallons of corn-based ethanol in 2013, helped by a record amount of U.S. corn crop production in 2013, according to Bloomberg New Energy Finance, an energy think-tank.

Against the backdrop of rising ethanol stocks and falling gasoline demand, the EPA proposed a lower biofuel quota for 2014. It was a small victory for the petroleum industry, but a far cry from resolving what some analysts say is a fundamental problem with the renewable requirement.

They contend there's simply too much renewable fuel amid insufficient demand. The Energy Information Administration's most recent short-term energy outlook projects that in 2013-2014, **motor fuel consumption** will be flat to marginally higher.

(Read more: **Ethanol mandate, 'blend wall' loom large for refiners**)



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"Thanks to the RFS and the renewable fuel mandate in it, we use about 2.5 times more ethanol than needed in the U.S.," said Alejandro Zamorano, an analyst with Bloomberg New Energy Finance.

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Is ethanol dead?

Todd Becker, Green Plains Renewable Energy CEO says ethanol is experiencing a resurgence and explains his bullish stance.

Playing out in the background are the high costs of fuel-mandate compliance to refiners. The market price for Renewable Identification Numbers (RINs), the credits refiners use to meet their biofuel quotas, are only just starting to come down from a record high set earlier this year.

Elevated RIN prices, oil and gas producers say, force refiners to pass the costs along to consumers in the form of higher prices at the pump.

"The EPA can adjust standards down ... but long term we need Congress to provide a permanent fix," said Bob Greco, downstream group director at the American Petroleum Institute, which has called for a full repeal of RFS.

Calling concern over ethanol standards "bipartisan," API's Greco added that "it's not the oil industry versus ethanol industry. There's a growing chorus of diverse groups that want to affect change."

Those groups include AAA—the motorist group that calls **RFS targets "unreachable,"** even as it voices support for alternative energy sources. Meanwhile, advocacy group Smarter Fuel Future has issued a call on its website for Washington to "revisit the failed RFS and enact policies" that take into account the concerns repeatedly associated with clean energy mandates.

The EPA's 60-day period for public comment closes in mid-January next year, when the EPA is likely to announce next steps on any potential changes to ethanol guidelines.

—By CNBC's Javier E. David. Follow him on Twitter [@TeflonGeek](#)

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alfie0077 • 2 hours ago

Keep the ethanol!. It is better to burn corn as gas rather than send it to Muslim or Catholic holes so that they can make more Muslims and Catholics. Save the USA, Save the world, Burn Corn!


^ | 2 ▾ • Reply • Share ›



99magna • 2 hours ago

Ethanol usage results in more carbon based fuel being burned by the time it is consumed in our gas tanks than if it were not in the equation. Ethanol is a loser both environmentally and in the search for energy independence. Continuing a bad program because people have invested in it heavily when the hand writing was on the wall about ethanol's problems is just old fashion politics as usual. If ethanol cannot stand on it's own at this point then the "captive" market says set me free!


6 ^ | ▾ • Reply • Share ›



alfie0077 → 99magna • 2 hours ago

Best to keep the ethanol!. Keep the ethanol!. It is better to burn corn as gas rather than send it to Muslim or Catholic holes so that they can make more Muslims and Catholics. Save the USA, Save the world, Burn Corn!

^ | 2 ▾ • Reply • Share ›



James • 3 hours ago

The burn a lot of coal to make ethanol !

2 ^ | 1 ▾ • Reply • Share ›

**Chico** • 4 hours ago

Somebody need to make a Tesla that runna on corn and getta the government out of a the winner and loser a business.

1 ^ | v • Reply • Share ›

**bocacassidy** • 7 hours ago

The Ethanol program is a showcase of corruption by special interests ..It should be abolished immediately along with all forms of farm subsidies ..America is being robbed blind by malicious special interests which control and warp government policy with brutal efficiency !

16 ^ | 1 v • Reply • Share ›

**vonrock** • 7 hours ago

Yes my 2004 Prius thought it might like it, but it stole miles and power.

6 ^ | v • Reply • Share ›

**austindavec** • 9 hours ago

Saw an interesting show on Discovery Channel (I think). They said that there are no native species of corn in any country, and that if we (Americans) didn't plant, fertilize, water, and harvest corn every year, it would naturally die in 2 to 3 years. Besides, humans really should not eat the stuff...only pigs and cattle.

1 ^ | 2 v • Reply • Share ›

**alfie0077** → **austindavec** • 2 hours ago

I agree that only pigs and cattle should eat corn. However, it is also used to export and it then makes more Muslims and Catholics. Better to burn it here in the USA than make more Muslims and Catholics.

^ | v • Reply • Share ›

**flyswatter55** • 9 hours ago

Corn in gas does your engine NO GOOD. Small engines even worse. Lets feed it to the cows folks, they need it worse than any of us.

16 ^ | v • Reply • Share ›

**alfie0077** → **flyswatter55** • an hour ago

only pigs and cattle should eat corn. However, it is also used to export and it then makes more Muslims and Catholics. Better to burn it here in the USA than make more Muslims and Catholics.

^ | v • Reply • Share ›

**blueswift** • 11 hours ago

Ethanol corn is usually genetically modified. Why should we care we don't eat it? The problem is it is sprayed with herbicides that are toxic to everything but the corn. The other kind of genetically modified corn with the same resistance to herbicides we do eat. If we're not getting poisoned from the oil and gas industry, we're getting it from big agribusiness. There has to be a better way.

8 ^ | v • Reply • Share ›

**Robert Gillies** • 11 hours ago

Turning good food into motor fuel was never a good idea. Now that we have discovered large quantities of natural gas it is even less of a good idea and unlike solar it is not even good for the environment.

19 ^ | v • Reply • Share ›

**Demssuck** • 11 hours ago

Ethanol is distractive in any internal combustion engine. How our so called representative government could unleash this rotgut into our fuel

supply just confirms my utter disgust with all of them.

24 ^ | v • Reply • Share ›



Michael Eidsvik • 11 hours ago

If there's one thing the left is good at it's beating a dead horse. The whole ethanol thing failed decades ago and was a bad idea to begin with. Enough already....

20 ^ | v • Reply • Share ›



Erocker → Michael Eidsvik • 9 hours ago

Bush signed this in to law in 2007 I did not know he was the left.

3 ^ | 2 v • Reply • Share ›



coma44 → Erocker • 4 hours ago

He was left of reality. But maybe you are more left than that.

^ | v • Reply • Share ›



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Kevin Vance → alfie0077 • an hour ago

You are beating a dead horse. come up with something new. It's really pathetic at this point.

3 ^ | v • Reply • Share ›



Zootopia3000 • 12 hours ago

This scam has too much of a life of its own now. I doubt it will ever end.

12 ^ | v • Reply • Share ›



alfie0077 → Zootopia3000 • an hour ago

Hooray, we need it in perpetuity. Otherwise it will be used to make more Muslims and Catholics.

^ | v • Reply • Share ›



GWL61 • 12 hours ago

There's more to Agriculture than being a grain farmer who is backed by taxpayers for subsidized crop insurance or other government handouts. Why don't you go talk to other people in the livestock industries who rely on corn for their feed supply, to make their margins workable. The bi-product from ethanol has a limited use, it doesn't meet the needs of the livestock industry as a whole, again ethanol's benefit to a few.

12 ^ | v • Reply • Share ›



peterd • 12 hours ago

Corn ethanol is a wasteful fuel that must be subsidized, it also uses 8 gallons of water for each gallon of ethanol produced and it contains far less energy than gasoline resulting in fewer mpg's. Even more perverse is its effect on global food prices. I hope the US Gov't sees the light and reverses the mandate as corn based ethanol is just plain stupid any way you look at it, unless you're an Iowa corn farmer.

23 ^ | v • Reply • Share ›



alfie0077 → peterd • an hour ago

Better to subsidize the ethanol business rather than subsidize the making of more Muslims and Catholics to invade the USA.

^ | 1 v • Reply • Share ›



Kotton Krull • 12 hours ago

Agriculture is the back bone of this

country, and if you produce don't get off the ground running it

country, and if young producers don't get off the ground running it will be devastating. Therefore we can not allow a reduction on the RFS. Grain producers like myself and my peers are already strapped with the ever rising costs of production.

The US Department of Ag estimates for every 1 billion gallons of ethanol is produced, 10,000-20,000 jobs are added to our domestic economy. If the EPA gets their way of a 1.4 billion gallon reduction, that's a substantial loss of jobs.

Real added value is that with corn use for ethanol, the livestock still gets the feed and the US economy gets all those billions of gallons of ethanol that result in \$1.09/gal cheaper gasoline prices at the pump.(U of Wisconsin, Iowa St Univ.) Only the starch from yellow corn is used to produce ethanol. The protein, minerals and oil still go to feed livestock just as a regular bushel would have been fed.

[see more](#)

10 ^ | 4 v • Reply • Share ›



Brock Wilborn → Kotton Krull • 3 hours ago

I've had several jobs that went by the wayside. Just re-educate and go on. Ethanol still kills the small engine and is bad for car engines

2 ^ | v • Reply • Share ›



alfie0077 → Brock Wilborn • an hour ago

Better to kill a small engine than make more Muslims and Catholics to invade the USA and destroy it.

^ | 1 v • Reply • Share ›



Charles → Kotton Krull • 3 hours ago

#1 ,Why is the gas with out ethanol the same price as ethanol and get 2-4 MPG less ,if so darnn good ??? 30,000 miles recomened to have the fuel system cleaned because of the Ethanol in the fuel and 3,000 miles after that to keep it clean .

3 ^ | v • Reply • Share ›



coma44 → Kotton Krull • 4 hours ago

Any product that requires a subsidy to "survive" in the market is flawed and needs to find a new home or market.

The only people who made money on the Ethanol scam was the politicians and huge agro companies. Small farms just continued to be smashed into the ground

3 ^ | v • Reply • Share ›



BloodyStumpMan → Kotton Krull • 11 hours ago

My brother in law is in the farming biz in Kansas and he says the farmers around there are cleaning up...I don't buy your argument...

12 ^ | v • Reply • Share ›



gunther9 • 12 hours ago

Amen to all voices of opposition. It's a horrible law for all the reasons that all thinking people already know.

17 ^ | v • Reply • Share ›



robert hastings • 12 hours ago

ethanol is terribly inefficient -time for America to start competing with both hands -not with one tied behind the back as the sellouts in congress

both hands. Not with one held behind the back as the senators in congress prefer -and why are we still in the Middle east protecting China's oil?

23 ^ | v • Reply • Share ›



JGObserver • 13 hours ago

The cost of meat at the supermarket is high because a couple Senators from corn states want to make the farmers richer. Grassley comes to mind. The rest of the country suffers trying to feed their families. Enough of this insanity.

25 ^ | v • Reply • Share ›



Richard Maule • 13 hours ago

Why not just start eating the damned corn again?

15 ^ | v • Reply • Share ›



glenn_goss@yahoo.com • 13 hours ago

etyhanol a dead horse, natural gas and pure gas more mpg. plus have lower food costs

25 ^ | v • Reply • Share ›



GWL61 • 14 hours ago

I would also challenge Mr. Becker's comments in the video. If ethanol is so great for the public. Then why aren't there more blender pumps ? Why is that people with flex fuel automobiles tend to not use the E85 or any blend other than the required E10. The economics of ethanol are not for the American people but rather for a few good paying jobs for CEOs and management positions created.

29 ^ | v • Reply • Share ›



Eric Dexter • 14 hours ago

You have trash to ethanol and some next generation stuff the government should be able to increase ethanol production and decrease corn use at the same time. Problem is that the plants may convert over to iso-butanol and get blended up to 12.5%. We also have Iran waiting for a weakness. Methanol from electricity and carbon is also possible but we have obsolete and conflicting goals with no national plan. Research and investment to increase supply should be thought of as part of the cost of driving.

3 ^ | 1 v • Reply • Share ›



Randy Sliker • 14 hours ago

Ethanol KILLS small engines -lawn mowers /Chain saw /etc.. DE-FUND the EPA and Save the USA

41 ^ | v • Reply • Share ›



sdlare • 14 hours ago

I've never understood why good would be used for fuel, or why the excessive subsidies to make it "affordable". All it does is put money in the mega-agriculture corporations, and takes food away from the world. This is the dumbest idea I've seen yet.

32 ^ | v • Reply • Share ›



MICHAEL KAUFMAN → sdlare • 13 hours ago

Actually, the part about food is not true. The corn that is grown for ethanol, is called high fructose corn (high sugar) It is not the corn you eat, it is the corn the cows and pigs eat to fatten them up at the feed lot. That is not to say that farmers would not grow eatable corn, if there was a reduced or no high fructose corn market. If ethanol is so bad, why does every car in Brazil run on 100% of it? It has a place in alternative fuels, but it should not be made from corn. It cost as much in carbon to produce, as it

saves in carbon when you burn it.

8 ^ | v • Reply • Share ›



IndependentModerate → MICHAEL KAUFMAN
• 12 hours ago

Uh, high fructose corn syrup is just about in everything we eat. Do you think they grow Twinkees to get that stuff?

7 ^ | v • Reply • Share ›



Chopin → MICHAEL KAUFMAN • 13 hours ago

Brazilian Ethanol is created from Sugar Cane, Not Corn, and they are able to grow craploads of it over there. Corn in the United States is used in many more food products than Sugar cane is in Brazil. I don't think we can grow lots of Sugar cane over here as the climate isn't very hospitable to Sugar cane.

18 ^ | v • Reply • Share ›



Charles → Chopin • 3 hours ago

Would you put surgar in you fuel tank???

^ | v • Reply • Share ›



BloodyStumpMan → Charles
• 18 minutes ago

That was really ignorant...

^ | v • Reply • Share ›



Bill McCall • 14 hours ago

Ethanol is killing small engines also. chain saw or small motors of that type cannot burn the ethanol and it leaves a residue that clogs up the machine.. we all use mowers or things like that and will be paying to repair them soon.. i know i have.

25 ^ | v • Reply • Share ›



BloodyStumpMan → Bill McCall • 11 hours ago

Only if you are in the lawn business will you notice...

1 ^ | 1 v • Reply • Share ›



BipolarBear → BloodyStumpMan • 3 hours ago

Or vintage cars. It destroys antique engines.

^ | v • Reply • Share ›



Lloyd Jones • 14 hours ago

i would put Obama in my tank then ethanol ,hot air doesn't do as much damage as ethanol.

25 ^ | 3 v • Reply • Share ›



Typical American → Lloyd Jones • 14 hours ago

Words well spoken from a typical right wing nut job. How do you even function in society? You can't even complete a coherent sentence. LOL.

6 ^ | 6 v • Reply • Share ›



Lloyd Jones → Typical American • 14 hours ago

i have to agree with T A ,i didn't do well for the slow learners when they read my post .

8 ^ | 2 v • Reply • Share ›

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News

Advocates Urge Court To Reverse EPA Approval Of Haze Trading Program

Posted: December 27, 2013



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Environmentalists are urging a federal appeals court to reject EPA's approval of three states' plans to meet their regional haze reduction mandates with an emissions trading program, saying the cap-and-trade effort violates Clean Air Act requirements because it would be weaker than traditional source-specific controls to cut air pollution.

EPA through four rules issued last November and December gave final approval to New Mexico, Wyoming and Utah and the city of Albuquerque, NM, to use a regional emissions trading program developed under section 309 of the Clean Air Act to meet its requirements to limit haze in national parks and wilderness areas. EPA's regional haze program requires states to craft air quality plans for improving visibility in those areas by 2064.

Most states in their air plans impose source-specific best available retrofit technology (BART) controls to reduce facilities' haze-forming sulfur dioxide and other emissions. But section 309 gave nine western states near the Grand Canyon more flexibility in their plans by allowing trading programs in lieu of imposing BART.

Under the section, a cap-and-trade "backstop" program would be triggered if the states fail to achieve emissions reductions by certain deadlines. James Martin, former administrator of EPA Region VIII covering several western states, was said to be an advocate of the trading flexibility allowed by section 309. In 2010, sources said Martin was trying to salvage the program as a faster route to emission cuts than mandatory BART controls.

Sources said that the voluntary milestones have helped to achieve major emissions cuts faster than BART, so the mandatory backstop sulfur dioxide trading plan never had to take effect.

But environmentalists are pursuing litigation over EPA's approval of the western states' regional haze plans that rely on the trading program, and a win for the advocates could impose new limits on the agency's recently narrowed authority to use emissions trading programs, observers have said.

Environmentalists in [their lawsuit](#) *WildEarth Guardians et al. v. EPA et al.* filed early this year in the U.S. Court of Appeals for the 10th Circuit are challenging all of those rules as illegal, saying the expected emission cuts are not better than BART, the standard the western states must require if they do not participate in the 309 program. The case has the potential to establish precedent on the haze program, as it is the first suit on the merits of section 309.

In final briefs filed Dec. 5, environmentalists offer a range of complaints about EPA's approval of the state implementation plans (SIPs) that detail the requirements of the 309 trading program, saying the agency "arbitrarily and unlawfully" found the plans would be better than BART, despite flaws in which sources were counted under the program and the use of "inflated" emission estimates of what BART could achieve that they say weakened the program.

They also say EPA arbitrarily reversed an earlier policy that the cap-and-trade program needed a "critical mass" of the nine states eligible to participate in section 309, instead allowing the plan to move forward with the participation of just three states.

'Reasonable' Progress

In contrast, [EPA in its final brief](#) filed Dec. 6 says the agency reasonably concluded that the states' plans were "better than BART" based on the weight of evidence and would meet all requirements under the Clean Air Act, arguing that its determinations and factual findings should be entitled to significant deference from the courts.

The lawsuit has attracted interest from utility groups and the affected states, who have intervened in the case on EPA's behalf,

saying in final briefs also filed Dec. 6 that the states took the correct approach in crafting the section 309 SIPs and that environmentalists cannot second-guess the states' determinations.

The suit has been fully briefed, but the court has not yet set a date for oral arguments. An environmentalist says arguments are likely to take place in spring or fall of 2014, with a judgment in late 2014 or early 2015.

At the core of environmentalists' complaint is that EPA failed to justify that the section 309 SIPs it approved demonstrated "greater reasonable progress" than BART based on a weight of the evidence, as is required under its own regulations, specifically a haze rule it issued in 1999 that adopted recommendations from a commission it convened to determine the framework of the program.

EPA in its four rules last year approving the section 309 SIPs found that if all eligible sources installed BART, it would lead to annual emission cuts -- or a BART benchmark -- of 142,000 tons of sulfur dioxide by 2018.

The environmentalists, however, say the plans that EPA approved were illegal because they mandate cuts that are only equal to the BART benchmark, rather than greater.

Beyond this issue, they fault many parts of the agency's determination, saying the agency allowed states to credit sulfur dioxide emission cuts from sources that were not eligible for BART, such as future sources that must comply with strict air quality permitting reserved for new sources, and used an "inflated BART benchmark" that assumed sources installing BART would meet relatively lax emission limits.

Further, they say the agency made an "abrupt reversal" in its prior position in rules issued in 2002 and 2003 that states could not participate in the section 309 program until there was a "critical mass" of participating states. They fault the program as only covering 15 coal-fired power plants, a sector that is the largest emitter of sulfur dioxide, while not including about two dozen coal-fired power plants in Arizona and Colorado.

The problem with having a small program, environmentalists say, is that power companies would be able to shift power generation to sources that are outside of New Mexico, Wyoming and Utah, leading to worse pollution. They also say that under EPA's rationale, the agency could approve a trading program involving only a single state.

EPA Deference

EPA in its reply brief mostly defends its decisions as being entitled to deference, saying it made reasonable decisions on what should count as the BART benchmark, whether the section 309 trading program demonstrated greater reasonable progress, and that a trading program that covered three states would meet statutory requirements.

EPA says that some of environmentalists' attempts to challenge the section 309 SIPs is an untimely attack on its 1999 haze rule, but says that on the merits, the agency concluded that based on the weight of the evidence, the incentives for voluntarily compliance in the program, along with the backstop emissions trading program, would be better than BART.

The states, [in their intervenor reply brief](#) filed Dec. 6, offer many of the same arguments as EPA, saying that to determine if the program demonstrates greater reasonable progress, the agency was allowed to look at qualitative factors such as the early reduction of emission. They also reject WildEarth Guardians' claims that three states was too few, as they say there is nothing in the statute or the agency's regulations that established a minimum number of states.

PacifiCorp, the Public Service Company of New Mexico and other utilities, [in their intervenor brief](#) filed Dec. 6, say the 309 program is better than BART because it will lead to earlier emission cuts and will cover additional sources and promotes flexibility. They also fault a technical report prepared by a consultant hired by environmentalists that tried to establish a different BART benchmark than what was prepared by the states. The utilities say the report is "fundamentally flawed" in how it estimated what was BART across affected sources.

Finally, the American Coalition for Clean Coal Electricity, a trade group filing [an amicus brief](#) on Dec. 6, offers the prevailing industry view that states should have the primary authority to craft haze SIPs, in which EPA and others have a limited role in second-guessing haze SIPs.

The brief says that if WildEarth Guardians were to prevail in the case, it would "unduly constrain" states' authority and discretion to limit haze, injecting "an unwarranted degree of uncertainty" into the future administration of the haze program. -- *Chris Knight* (cknight@iwpnews.com)

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